FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

Writ Petition No. 510/2005

Appeal Application No. Writ petition	District : of 200

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Shri. N.R. Bhishikar h/f Shri Dharmadhikari, Adv. for petitioner.
Shri. A.M. Quazi, Advocate, for respondent no. 2.

CORAM : B.R. Gavai, J.
DATED : October 16, 2006.

By way of present petition, the petitioner challenges the order passed by the learned Rent Controller, Nagpur, in RCC No. 197/A-71-(2)/1997-98 dated 7th March, 2001, thereby rejecting the application of the petitioner for setting aside the ex parte order, and the order dated 21st July, 2004 passed by the learned Additional Collector, Nagpur, thereby dismissing the appeal filed by the present petitioner.

The ground for setting aside the ex parte order was the accident met by the present petitioner and thereafter his illness. It is submitted that the petitioner could not remain present on 26th April, 1998 as he suffered an accident on 19th April, 1998 and his shoulder was dislocated. Another ground is that after the fracture, the petitioner also suffered from hepatitis and typhoid, and was advised bed rest.

The learned authorities below found that though the petitioner had recovered from injury to his shoulder on 5th July, 1998, still he did not bother to represent himself against the ex parte order dated 1st July, 1998. It has further been found by the authorities below that even the Medical Certificate filed on record shows that the petitioner was only an outdoor patient and was not hospitalized, and as such cannot be said to have been prevented from attending the Court.

No infirmity could be found in the approached of the lower authorities. I have also examined the merits of the ex parte order. The perusal of the ex parte order granting permission to the respondent landlord, would reveal that the learned Rent Controller has found that the petitioner was in arrears of rent so also the respondents- landlords were in the bona fide need of the premises.

In that view of the matter, I am not inclined to interfere with the impugned orders in exercise of the extraordinary jurisdiction of this Court under Articles 226 and 227 of the Constitution of India.

Hence rejected.

JUDGE

RMP